IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1436 of 2005 (M/B)

1. Janta Chini Shramik Sangh,
Rajpur Puranpur Nadehi,
Jaspur Distt. Udham Singh Nagar
Through its President Sri Hukum Singh
S/o Sri Sita Ram Singh r/o Sugar Mill Market
Nadehi, District Udham Singh Nagar
2. Bhartiya Chini Mill Karmachari Sangh,
Nadehi Jaspur District Udham Singh Nagar
Through its President Sri Manoj Kumar
S/o Sri Raghu Nath SIngh r/o Village Puranpur,
Post Office Chini Mill Nadehi, Jaspur,
Distt. Udham Singh Nagar ….. Petitioners

Versus

1. State of Uttaranchal through the
Secretary, Cane Development and
Sugar Industries, Govt. of Uttaranchal
at Dehradun
2. General Manager, The Kisan Sahkari Chini
Mills Ltd. Rajpur Puranpur Nadehi, Jaspur,
Distt. Udham Singh Nagar ….. Respondents

…….

Sri B.D. Upadhyaya, Advocate for the petitioners.
Sri N.C. Gupta, Standing Counsel for respondent no. 1.
Sri C.K. Sharma, Advocate for respondent no. 2.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Sri B.D. Upadhyaya, Advocate for the petitioners.

Sri N.C. Gupta, Standing Counsel for respondent no. 1.

Sri C.K. Sharma, Advocate for respondent no. 2.

They are heard on admission.

2. The petitioners have filled this writ petition for the following reliefs:

"(a) a writ, order or direction in the nature of certiorari to call for the record of the case and quash the Recovery and Maintenance Incentive Scheme, 2004 dated 15.12.2004 issued by the respondent no. 1 contained in Annexure 1 to the writ petition.

(b) a writ, order or direction in the nature of mandamus commanding the respondents to pay the production incentive bonus to the workers as per scheme of 1992.

(c) any other writ, order or direction which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case."

3. Sri Sharma, the learned counsel for respondent no. 2, the employer, has raised a preliminary objection about the maintainability of the writ petition in view of the availability of an alternative efficacious remedy to the petitioners for the redressal of their grievances projected in the petition under the provisions of U.P. Industrial Disputes Act, 1947.

4. Sri Upadhayaya, the learned counsel for the petitioners, does not dispute the availability of an alternative statutory remedy under the provisions of U.P. Industrial Disputes Act, 1947.

5. In our opinion, it would be appropriate for the petitioners to first avail the statutory remedy available to them under the provisions of U.P. Industrial Disputes Act, 1947.

6. With the above observation, the writ petition stands disposed of.

7. With the above order, CLMA No. 12534 of 2005 also stands disposed of.

(Prafulla C. Pant, J.) **(Rajeev Gupta, C.J.)**
12.07.2006 12.07.2006

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